

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDWARD THOMAS, # 524590,

Petitioner,

v.

Case No. 08-cv-14273
Honorable Patrick J. Duggan

CAROL HOWES,

Respondent.

ORDER DENYING PETITIONER'S MOTION FOR DISCOVERY

Petitioner Edward Thomas has filed a habeas corpus petition pursuant to 28 U.S.C. § 2254, alleging that he is incarcerated in violation of his constitutional rights. Petitioner is challenging his convictions in 2006 for kidnapping, criminal sexual conduct in the fourth degree, and domestic violence. Petitioner is a state inmate, currently incarcerated at the Cooper Street Correctional Facility in Jackson, Michigan. Presently before the Court is Petitioner's motion for discovery, filed November 18, 2010. For the reasons stated below, the Court denies the motion without prejudice.

Habeas petitioners have no right to automatic discovery. *Stanford v. Parker*, 266 F.3d 442, 460 (6th Cir. 2001). A district court has the discretion, under Rule 6 of the Rules Governing § 2254 Cases, 28 U.S.C. foll. § 2254, to grant discovery to a petitioner in a habeas case upon a fact specific showing of good cause. *Id.* If a petitioner can point to specific evidence that might be discovered that would support his constitutional claims, he is able to establish good cause to obtain discovery. *Burns v. Lafler*, 328 F. Supp. 2d

711, 718 (E.D. Mich. 2004). However, without a showing of good cause and without a habeas petitioner citing to specific information of what he hopes to learn from the additional discovery, a federal court will not order discovery. *Id.* A habeas petitioner's vague and conclusory allegations are insufficient to obtain additional discovery. *Burns*, 328 F. Supp. 2d at 718. Furthermore, a district court does not abuse its discretion in denying a habeas petitioner's request for discovery, where the request falls more in the category of a "fishing expedition masquerading as discovery." *Stanford*, 266 F.3d at 460.

Here, the Court finds that Petitioner has failed to establish good cause in order to obtain the additional discovery. Respondent filed an answer to the petition and Rule 5 materials on July 1 and 6, 2009, respectively. After the Court carefully reviews those materials, it will then determine whether additional discovery is necessary to resolve Petitioner's claims. If the Court concludes that additional discovery is necessary, then it will order such discovery. Petitioner need not file any additional motions regarding this issue.

SO ORDERED.

DATE: December 9, 2010

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
Edward Thomas, #524590
Cooper Street Correctional Facility
3100 Cooper Street
Jackson, MI 49201
Laura A. Cook, Esq.